

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Theodor Albert, Presiding  
Courtroom 5B Calendar**

**Tuesday, November 16, 2021**

**Hearing Room**

**5B**

10:00 AM

**8:00-000000**

**Chapter**

**#0.00      Hearings on this calendar will be conducted using ZoomGov video and audio.**

For information about appearing in person (or a hybrid hearing) please visit <https://www.cacb.uscourts.gov/judges/honorable-theodor-c-albert>.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

**Video/audio web address:**

<https://cacb.zoomgov.com/j/1616762345>

**ZoomGov meeting number:** 161 676 2345

**Password:** 870574

**Telephone conference lines:** 1 (669) 254 5252 or 1 (646) 828 7666

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For more information on appearing before Judge Albert by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Theodor C. Albert's Cases" on the Court's website at: <https://www.cacb.uscourts.gov/judges/honorable-theodor-c-albert> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

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**Chapter**

**Tentative Ruling:**

- NONE LISTED -

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**8:19-11803 Jonita Renae Dillard**

**Chapter 13**

**#1.00 Motion for relief from the automatic stay PERSONAL PROPERTY**

**SCHOOLSFIRST FEDERAL CREDIT UNION  
Vs  
DEBTOR**

Docket 38

**Tentative Ruling:**

Tentative for 11/16/21:  
Grant. Appearance: optional

<b>Party Information</b>
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**Debtor(s):**

Jonita Renae Dillard

Represented By  
Steven A Alpert

**Movant(s):**

SchoolsFirst Federal Credit Union

Represented By  
Paul V Reza

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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**8:21-11152 Ultimate Towing & Recovery, LLC**

**Chapter 11**

**#2.00 Motion for relief from the automatic stay PERSONAL PROPERTY**

**EASTERN FUNDING LLC D/B/A SPECIALTY VEHICLE AND EQUIPMENT  
FUNDING GROUP**

**Vs  
DEBTOR**

Docket 70

**Tentative Ruling:**

Tentative for 11/16/21:  
Grant. Appearance: optional

<b>Party Information</b>
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**Debtor(s):**

Ultimate Towing & Recovery, LLC

Represented By  
Michael R Totaro

**Movant(s):**

Eastern Funding LLC

Represented By  
Christopher D Crowell  
Jennifer Witherell Crastz

**Trustee(s):**

Robert Paul Goe (TR)

Pro Se

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10:00 AM

**8:18-10336 James M Harris**

**Chapter 13**

**#3.00 Motion for relief from the automatic stay REAL PROPERTY  
(cont'd from 10-26-21 per order approving stip requesting cont. of  
preliminary hrg entered 10-25-21)**

**U.S. BANK TRUST NATIONAL ASSOCIATION  
Vs.  
DEBTOR**

Docket 49

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12-14-21 AT 10:00 A.M.  
PER ORDER APPROVING STIPULATION REQUESTING  
CONTINUANCE OF PRELIMINARY HEARING ENTERED 11-15-21**

**Tentative Ruling:**

Tentative for 10/26/21:

Absent agreed disposition, grant. Further continuance must be by written stipulation. Appearance is waived.

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Tentative for 9/21/21:

Debtor defends this relief of stay motion mostly on procedural arguments, but these are not persuasive. While another creditor (HOA) on the property might not have been correctly served, this is not much of an excuse, and the attempt to create an issue out of the assignment chain on the note secured by the subject deed of trust, even less so. The chain looks correct to the court. Presumably someone has been collecting payments for the last three and a half years; if debtor had evidence that payments had actually been made to someone else, giving rise to the dreaded 'dual creditor syndrome', the court would have expected to see it. While the purported equity cushion of 38% is of concern, the overarching issue here is that this is supposed to be a confirmed Chapter 13 plan, with all secured claims dealt with by monthly payments under the plan, and that does not embrace falling

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**CONT...**

**James M Harris**

**Chapter 13**

five months in arrears. If there is a legitimate question about accounting on differing balances owed, or proper application of payments made, that can be sorted out in subsequent proceedings duly noticed, but on condition that monthly payments as called for in the plan are current. The court will not indulge plan defaults or a unilateral, self-serving payment moratorium. The existence of a possible equity question may go more to the question of whether conversion is a better remedy in the interest of creditors and, even if so, whether the complaining creditor can nevertheless be given adequate protection in the interim. This is problematic on this record absent formal appraisal.

No tentative.

<b>Party Information</b>
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**Debtor(s):**

James M Harris

Represented By  
Andy C Warshaw

**Movant(s):**

U.S. Bank Trust National

Represented By  
Erica T Loftis Pacheco

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se